



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS M. RODRIGUEZ,

Plaintiff,

-against-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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07 Civ. ~~513~~ (WHP) (MHD)

ORDER

WILLIAM H. PAULEY III, District Judge:

The above-captioned case was referred to Magistrate Judge Michael H. Dolinger.

As part of the referral, he issued a report and recommendation ("report") as to Defendant's motion for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) (Docket No. 10).

Magistrate Judge Dolinger filed his report describing the reasons why the motion should be denied and the case should be remanded for reconsideration by the Social Security

Administration, and sent it to the parties on February 10, 2009. As of this date neither party has submitted any objection to the report nor requested an extension of time in which to do so.

Accordingly, this court finds that the report is not facially erroneous, and affirms and adopts it.

Therefore, Defendant's motion for judgment on the pleadings is denied and the case is remanded to the Social Security Administration for further proceedings consistent with Magistrate Judge

Dolinger's report.

The Clerk of the Court shall terminate all pending motions and mark this case closed.

Dated: March 9, 2009
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

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